The motion was adopted

Mr. SPEAKER.—The question is:

"That this Assembly do proceed to elect eight members to the Committee on Subordinate Legislation in accordance with sub-rule (1) of Rule 252 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly."

The motion was adopted

Mr. SPEAKER.—The question is:—

"That this Assembly do proceed to elect seven members to the Committee of Privileges in accordance with sub-rule (1) of Rule 257 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly."

The motion was adopted

Mr. SPEAKER.—The question is:—

"That this Assembly do proceed to elect eight members to the Committee on Government Assurances in accordance with sub-rule (1) of Rule 267 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly."

The motion was adopted.

Mr. SPEAKER. – The question is:—

"That this Assembly do proceed to elect ten members to the Committee of Private Members' Bills and Resolutions in accordance with sub-rule (1) of Rule 297 A of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly."

The motion was adopted.

THE PONNAMPET NOTIFIED AREA COMMITTEE (CONTINUANCE AND VALIDATION) BILL, 1959, AS PASSED BY LEGISLATIVE COUNCIL.

Motion to Consider—Debate (*Cont.*)

†Sri J. B. MALLARADHYA (Nanjangud).—Sir, yesterday I was making a few observations on this Ponnampet Notified Area Committee (Continuance and Validation) Bill, 1959. In the Statement of Objects and Reasons the Hon'ble Minister for Local Self-Government has made a very cryptic statement that elections could not be held in time. The reasons for not holding the elections in time are not forthcoming. I want to know who is responsible for this lapse and what action was taken by Government against the responsible officers. Does it not occur to

(Sri J. B. MALLARADHYA)

Government that this is a serious dereliction of duty on the part of the officer responsible for this. Yesterday I mentioned that the Deputy Commissioner of a District in the erstwhile Mysore State was the main officer responsible for controlling local self-Government institutions in his district. I want to know whether Government have called for a report from the officer concerned and determined whether it is a *bona fide* action or it is a case of culpable negligence or wilful or active acquiescence in something done irregularly at the official level because it raises very fundamental issues in administration. It is a very simple matter if you take it in one light, but if you consider it in another light it becomes a very serious matter. After it came to the notice of Government when this Bill was prepared what steps the Government took to punish the offenders is a matter of which this House would like to be opprised. Yesterday the Hon'ble Minister said that the President never incurred any expenditure.

Sri T. SUBRAMANYA.—No. The Committee did not meet, but the President carried on the day to day administration.

Sri J. B. MALLARADHYA.—Even then I want to know what is the extent of expenditure for establishment charges. In the Preamble you say "And whereas the said Committee and the President thereof continued to exercise the powers and perform the functions of the Committee and its President until the Committee was reconstituted ....." Further in sub-section (*a*) of section 2 you say "all contracts by, and all transactions with, the said Committee or its President, including any order made, anything done.....shall be deemed to have been validly made, done or taken." I want to know the extent of the liability incurred and the contractual obligations entered into. These are matters which should be placed before the House before any decision can be taken. You are asking the House at this distance of time, after 2½ years, to validate them. Suppose the House does not validate this irregularity, what happens? What is the effect thereof?

Then I want to know what are the powers that these unauthorized people who were in office exercised during this interval and what are the details of those powers because you want to validate those items of work that they did then. In this connection I want to invite the attention of the Hon'ble Minister to the Coorg Notified Area Election Rules given in the Annexure to the Bill. Sub-rule (1) of rule 57 of those Rules says that "the term of office of the members shall be three years commencing from the date appointed by the State Government for the first meeting of the newly elected Committee and the expiration of the said period of three years shall operate as a dissolution of the Committee." The rule itself provides for the expiration of the term of the Committee. Why is it intended now to amend that rule? At least the rule could have been amended at the appropriate time. Even that the Government have not done.

Then, Sir, you will see that under those election rules the Government's power is restricted to shorten the term of the Committee and by no means to extend its life. Such being the case, I am surprised why the Minister wants to give it life. I do not think that more life could be given to it.

Sri T. SUBRAMANYA.—The Legislature has got the power.

Sri J. B. MALLARADHYA.—At this rate merely because the Legislature has got power if you go on validating irregular acts, there will be no end of it. In that way I think the Legislature will set up a record for the whole of India. This is also not the first time that we are validating such irregular acts. We will become a laughing stock in the entire country at this rate.

Due to latches committed by somebody or other, if the ruling party which is now in harness wants to afford protection, and if every wrong is to be validated in this manner, where is the end? At this rate, is democracy going to function satisfactorily?

The proviso to Section 57 of the Election Rules says "Provided that the State Government may by notification in the Mysore Gazette, shorten the term of office of members if in special circumstances (to be specified in the notification) it so thinks fit." Will it do atleast now, if a notification is issued by Government? No. Then I ask this next question: Is there any apprehension by Govenment that any officer would be hauled up for doing something illegal, if its term is not extended. Supposing the House is not inclined to validate this extension of period. What would be its effect. Is it to screen somebody who has offended the law or somebody who has done something wrong? The whole thing looks very fishy. In trying to be too short, I am afraid the Hon'ble Minister has not done justice to this case.

Sri T. SUBRAMANYA.—I will answer that.

Sri J. B. MALLARADHYA.—I know that. The Hon'ble Minister for Agriculture also answered yesterday and got the bill passed.

Sri T. SUBRAMANYA—I do not want the Hon'ble Member to insinuate about yesterday's affair. But I am going to satisfy.

Sri J. B. MALLARADHYA.—I am going to insinuate against Government not against individuals. What I am saying is a fact, not an insinuation.

Sri T. SUBRAMANYA.—If the Member would kindly yield, I may say that I hope to satisfy him on all these points.

Sri J. B. MALLARADHYA.—Anyhow the Minister seems to be sure about his ground. I am also equally sure that he will not carry enough conviction. Of course, he will manage to get the Bill passed. ಆದರೆ ಈ ಸಂದರ್ಭ "ಕುಂಭಕರ್ಣನ ನಿದ್ರೆ" ಮಂತ್ರಿಮಂಡಲದಲ್ಲಿ ಜಾಸ್ತಿನವೈದ್ಯರಿದ್ದು ಹೀಗಾಯಿತಲ್ಲ ಎಂಬುದೇ ವ್ಯಸನ. We had some respect for him that he atleast is one of those Ministers in the cabinet who has more vigilance, more

(Sri J. B. MALLARADHYA)

intelligence and more alertness but this has happened during his time. If I say this, I am afraid it is no insinuation. It is a statement of fact and any Government should be clearly ashamed of this kind of thing. This is my honest opinion. I am not trying to criticise. In all my service of 33½ years, I have not met a single instance like this, an administrative latch of this magnitude. Here is the Deputy Commissioner of a district and under his very nose this sort of thing is happening. What were you doing at the Government or any other level. It looks as though the whole thing is organised I now understand—I am subject to correction—even in respect of Somwarpet, the same thing is happening. I may be wrong, I am not prepared to swear by it. I have not been able to get confirmation and I am leaving it to my friend, the Hon'ble Minister to deny or confirm it.

If anything was not done during this interval of 64 days, would it.....

Sri T. SUBRAMANYA.—He has done. He has carried on the work of the municipality.

Sri J. B. MALLARADHYA.—Then please tell us what exactly are the things he has done. If it is *per se* illegal, what are you going to do about it.

ಕೊನೆಗೆ ಈ ಸರ್ಕಾರ "ಹೆಂಗಸರನ್ನೆಲ್ಲ ಗಂಡಸರನ್ನಾಗಿ" ಮಾಡುತ್ತಾರೇನೋ! ಇಂಥ ಒಂದು ಬಿಲ್ಲನ್ನು ತಂದು! ಆದರೆ ನಾನು ಹೆಂಗಸರನ್ನೆಲ್ಲಾ ಗಂಡಸರನ್ನಾಗಿ ಮಾಡುವುದಕ್ಕೆ ಒಪ್ಪುವುದಿಲ್ಲ.

I want fairly a lot of people to continue to be women. I have no desire to convert them into men.

(*Laughter*)

Sri T. SUBRAMANYA.—But would you like to convert men into women ?

Sri J. B. MALLARADHYA.—Not me at any rate. ಅದು ಸಾಧ್ಯವಿಲ್ಲ.

(*Laughter*)

Now, I am asking the next question. Without making a statute or passing a bill, is there any alternative remedy to get out of the mess in which the Government has found itself in ? If there is, I wouldlike them to try it.

I would not like to dwell more on this Bill at this stage.

Sri V. SRINIVASA SHETTY.—Sir, ordinarily, it would not be fair to oppose such a simple provision. As my friend, the leader of the Opposition has said, this is not as simple as it looks. Government, in its infinite wisdom, will brush aside all that we say and naturally they will have some reasons, whether convincing or not. Government knows, to be sure, that they would get this Bill passed, whatever be the opposition.

Sri T. SUBRAMANYA.—Please excuse me. That is not the idea with which we are proceeding. We want to convince you and take you with us. There is no other way open to us.

†Sri G. VENKATAI GOWDA (Paliyam).–Sir, much has been covered by my friend Sri Mallaradhya. This Bill raises fundamental and constitutional points. Not only does this bill seek to validate the continuance of the Ponnampet Notified Area Committee but also it seeks to nullify the rule framed under the Coorg Municipal Regulation, II of 1907. If the Government had made some amendment to this regulation and then it came before this house for ratification that would have been something. Or atleast if the Government had suspended that rule under the regulation, it could have been regularised later on. That is not done. My only doubt is whether this house is competent to regularise an act done by a local body. If it is an act done by the executive of the Government that could be regularised this House. But if it is a case where a notified area committee, without authority, exercises some functions, whether that could be validated or not is a point for consideration. This is a strange case, as pointed out by my friend. I am very much doubtful whether this bill is valid even at the outset.

I would ask as to what are the things done by this committee, its ommissions and commissions, during this period of 64 days. Can the Government suspend that rule which requires that the election should be done within 15 days before the expiry of the period. We do not know whether any permission was sought by the President of the Committee. I do not know on what basis Government has come before us and ask for approval. Though this Bill seeks to validate the continuance of that notified area, it also seeks indirectly to nullify the very rule itself. Whether we are contempt or not to do this, I doubt. I submit that this course it not legal or constitutional and it is not sustainable. The Minister concerned may say so many things in order convince us but he cannot carry conviction in a matter like this.

2–30 P.M.

†Sri V. SRINIVASA SHETTY.—I am very glad that the Honourable Minister wants to convince us ; I hope he will be able to convince us ; but unfortunately that has not been our experience. Whatever the Opposition has said reasonably or unreasonably, Government have shut their ears totally to all arguments. It is also a very unhappy thing for me to say that Government practically do not recognise opposition. Just yesterday I came to know that one of the Ministers did not recognise if there is an Opposition in Mysore. The Minister saw only 7 P.S.P. members in the House.

Sri T. SUBRAMANYA.—When you mention the Minister, do you refer to me ?

Sri V. SRINIVASA SHETTY.—I do. I am subject to correction That is the report.

Sri J. B. MALLARADHYA.—I invite the attention of the Honourable Minister to yesterday's Indian Express.

Sri V. SRINIVASA SHETTY.—If he fails to see Opposition in the House, I cannot help it.

Now one or two words with regard to this Bill. Government is responsible to this House and to the people. Government cannot say. no Minister can say that some officer failed to hold an election, some officer failed to bring it to the notice of the Government. In any democratic State on Minister can say before the House that he does not know that such a thing has happened, that he is not responsible. For every action of an official, wherever he be, the Minister should take personal responsibility and say that he is responsible for it. I can quote instances. In any democratic country the person at the helm of affairs is responsible. What has happened in this particular case. The term of the Ponnampet Notified Area Committee expired on the 28th July 1958. What happened afterwards? Under the rules just now read out, it stood dissolved. There was a vacuum; There was no Committee. But what did they do? Did they act under any instructions? The Committee continued to discharge day to day activities, incur expenditure, I do not know what else; til 30th September 1958 they continued, before which date possibly a new Committee was constituted and they are said to come into being. Under rules as my friend read out, 15 clear days before the expiry of the term, elections ought to have been held and a new committee ought to have been constituted. The term of the old Committee expired on 28th July 1958. Now it is 20th July 1961. It is nearly three years since the term expired. The Minister may say it is a short period. What is two or three years for a Government like this? They don't mind 2 or 3 years. Did the Government think it necessary to validate their Act and when did they think it so? Did the Government think that they were acting illegally? The Committee was an illegal Committee; there was a vacuum and the Government ought to have come to rescue. When did they wake up, when did they come to know of these things. Who brought things to the notice of the Government, or did they not come to know of it at all? My friend just now said that they punished the Bill in 1959. Are they entitled to wait for any number of years for publishing it? I said yesterday that there is absolutely no hurry now. Does this matter to Government at all. Why not bring this Bill after the elections. There are very many important Bills before the House. Why bring this unimportant Bill new and what is the necessity for it? If the Government think that that two years is not much and if they think that these things could be condoned any moment with the juggernaut of majority in this House, they can brush aside opposition. Democracy is a plaything for them. If democracy were to be a true democracy, they must take the House into confidence. What they have done is one of the reprehensible acts, because it gives retrospective effect to an illegal Act. Government have powers, but

they should not misuse powers. The powers should be used properly. They are using this power for a wrongful thing; it is done illegally, improperly. Legally, of course, the constitution allows any law to be passed. I have looked into constitutional precedents; I could not find any Legislature having had recourse to such a thing at all till now. With a very sad heart, I say that the Government should have come with this belated measure as my friend yesterday termed it, with a callousness, with an indifference. There is a law of limitation in law; there is what is called laches also in law. Is there such a thing like laches in the Legislature? It is a clear, deliberate case of laches. My friend said there are other cases of this type also. If there had been some other cases, it would have been better to bring forth a compendious Bill containing all these errors and omissions, instead of bringing them piecemeal. With these few words, I suppose this Bill on principle.

†Sri T. SUBRAMANYA.—Sir, first of all, I would like to submit that even to-day I do not know what exactly the strength of P.S.P. is. I have very great respect for all of you. Personally I thought it was 14 at the time. I do not know who have all joined...

Sri J. B. MALLARADHYA.—With all respect for you, I should like to say that unless there is at least a minimum of 20 in a House of 208, there can be no recognised opposition at all. You are fully aware that in very few of the Indian Assemblies, there is a recognised opposition of the P.S.P. You cannot insult an entire party like that, being a member...

Sri T. SUBRAMANYA.—Words which I did not utter in the Aerodrome while I was talking to friends, have been put in my mouth. If I have offended any one of you, I am sorry. That was not my intention.

I thought the P. S. P. strength was only 14. If it is not correct, I will correct myself. I was talking to a friend. I never gave any interview to anybody. I do not know which of you are P. S. P. people and which of you are not. That is the personal explation I am going to give. It is put into my mouth as 7. I said somewhere about 14 or 15; I do not know exactly, but they have put it like that; I am very sorry. I wish them all well in the next elections.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ತಾವು ಏನು ಹೇಳಿದ್ದೀರಿ, ಹೇಗೆ chances ಇದೆ ಎಂದು ಹೇಳಿದ್ದೀರಿ?

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ನನಗೆ ತಿಳಿದ ಪ್ರಕಾರ chances ಕಡಮೆ ಎಂದು ಹೇಳಿದ್ದೇನೆ. That is my view even today.

Sri J. B. MALLARADHYA.—We will take a challenge.

Sri T. SUBRAMANYA.—You may win more; I do not mind but, that is my view.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಕಾಂಗ್ರೆಸ್ ಕಕ್ಷದವರು 25 ಜನ ಬಂದರೆ ಜಾಸ್ತಿ

Sri T. SUBRAMANYA.—May be ; I do not feel hard. Sir, when I expressed my sorrow for the statement, the Leader of the House must accept it and keep quiet in all fairness to me. I did not know the number and even today I do not know their number.

ಶ್ರೀ ಎನ್. ಜಿ. ನರಸಿಂಹೇಗೌಡ.—ಪದೇ ಪದೇ ಹೇಳುತ್ತಿರುವುದರಿಂದ ರಿಪೋರ್ಟ್‌ಗಳಲ್ಲಿ ಬರುತ್ತದೆ....

ಅಧ್ಯಕ್ಷರು.—ವಿರೋಧಪಕ್ಷದ ನಾಯಕರು 21 ಮಂದಿಗಿಂತ ಕಡಮೆ ಇದ್ದರೆ ಒಂದು ಪಕ್ಷ ಎಂಬುದಾಗಿ ಮಾನ್ಯ ಮಾಡುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಅಲ್ಲಿಗೆ ಅದು ಮುಗಿಯಿತು.

Sri T. SUBRAMANYA.—Sir, I was ignorant. I did not intend to hurt anybody ; I am sorry. It was not published by me : I never gave any interview. Several things which I did not say there, have come in the press, I am told. These things should not be taken very seriously because it was not an interview. Somebody over-heard me and published. Therefore, do not take it seriously ; that is my request and you must be satisfied.

With regard to the question in issue today, I am very sorry that very strong words have been used against the Government while criticising them. They do not know probably and I expect them to know, the way in which the Government works is different from what they have been contemplating. Under the Municipal law, when once a Calendar of events is published, Government has no hand in the conduct of the elections. Government cannot alter the dates of elections, cannot pospone the elections and cannot ask the Returning Officer to fix another day.

AN HON'BLE MEMBER.—Through the back door.

Sri T. SUBRAMANYA.—That is not my way of doing. I leave it to my friend to have recourse to that method whenever he has an opportunity. Sir, what happened in this case, I will submit for the consideration of the House.

According to rule 57 of the Coorg Municipality Act, 15 days prior to the termination of the office of the previous Council, elections should have been finalised. In the month of June alone, election calendar of events was published, nominations were received and the scrutiny was fixed on the 16th of June 1958. At the time of scrutiny, there was some trouble among the various candidates. They fought with each other they came to blows and the Returning Officer was also about to be beaten. At that stage, he adjourned scrutiny and went away and adjourned the elections. Even then, the Government had no power with regard to fixation of calendar. It must be done either by the Deputy Commissioner as in Coorg area or by the Divisional Commissioner in the Bombay areas. In Coorg what has happened is, the scrutiny was postponed by the Returning Officer and the matter was reported to the Deputy Commissioner. The Deputy Commissiener, in his wisdom, thought that he must change the Returning Officer and appointed a Sub-Division Officer and he went on with the elections

Elections could be finalised only before September 1958. It was not brought to our notice. The House also knows, Sir, that there is an enactment accepted by this House *i. e.* the Revenue Appellate Tribunal Act. So, any order passed by a Deputy Commissioner, if it is a quasi judicial order, it cannot come before the Government either by way of appeal or by way of a revision. Whenever the party is dis-satisfied or aggrieved by the order of the Deputy Commissioner, it is for the concerned person to go in appeal before the Appellate Tribunal. Government have no powers. In this case, when the term of officer was over, the Deputy Commissioner asked them to continue; rightly or worngly, he decided that way. If it is a wrong decision, the way for the people in that locality was to go by way of an appeal

Sri J. B. MALLARADHYA.—Was it in his power?

Sri T. SUBRAMANYA.—No, it is not. He committed an error. First, the Returning Officer committed the error; he had no powers to the adjourn the date of scrutiny. That was brought to the notice of the Deputy Commissioner and he, in his turn, committed an error in asking the Council to continue. But, Government cannot immediately say, 'This is worng; you set it aside or we have set it aside.' It must go before the Revenue Tribunal.

Sir, I may quote an instance here. In the ersewhile Hyderabad area, the Government had conferred the title of two acres of land on an individual within the municipal area. He transferred his own two acres to the municipality and the Hyderabad Government conferred the title of their land upon this individual for two acres.

He transferred two acres of his own land to the Municipality. The Hyderabad Government conferred the title upon this individual. The Deputy Commissioner subsequently passed on order saying that it is not necessary to give him two acres but it is enough if we give him only one acre. The matter came up before me in appeal. Though I know that the Deputy Commissioner was wrong, I could not interfere with that order. I simply referred the matter to the Revenue Appellate Tribunal which decided the case in favour of the petitioner. So, in all these cases, the powers of the Government are restricted. The Revenue Appellate Tribunal has taken away all the powers of the Government. Therefore the Government has no jnuisdiction to interfere in these matters unless the Government is invested by certain powers by the enactment. That is the legal position in this case. I am satisfied that the Deputy Commissoner has acted erreneously in this matter. He did not know the law. It is the privilege of a judge to write a bad judgment provided the judgment is his own. There are the appellate powers to set it aside. So long as a Judge or a Munsiff without being influenced by an outside agency writes a judgment having courage of his own conviction, not having the courage of other, conviction, he is not liable to be punished. I may tell you, in this cases the Deputy Commissioner—not only in this case, but in another case

(Sri T. SUBRAMANYA)

also, as my friend referred, has committed this error. But as soon as it was brought to the notice of the Government that the term was over–27th July 19 8, elections were in progress, then we had to wait till the new council was formed. Immediately after a new council was formed, we wanted to pass an ordinance validating all the things. We found out after a careful examination that this Government cannot extend the term nor shorten the term. Even sometimes we pass *post facto* orders. It is within the knowledge of my friend Sri Mallardhya who has been an administrator in some departments of this State for several years and in the Municipal administation alone several times, even without taking the approval of Government, the Municipality will have acted and *post facto* we give the approval. That is in vogue. If I had the power in me to extend it without coming before the House, I could have done it myself even *post facto*. That power is not vested with the Government. That is why we have come before you with this Bill asking you to validate the acts done by the Municiple Council because of erroneous decision given by the Deputy Commissioner.

Sri J. B. MALLARADHYA.—You stated that unless the aggrieved party come up, the Government had no jurisdiction. My point is : did anybody come in saying that an erroneous order has been passed by the Deputy Commissioner and we are aggrieved. Why are you acting *suemoto* in this case ?

Sri T. SUBRAMANYA.—All powers of revision and appeal vests with the Revenue Appellate Tribunal. Nobody came up before us ; nobody cared to intimate the Government in this matter.

Sri J. B. MALLARADHYA.—Whether anybody went to the Tribunal.

Sri T. SUBRAMANYA.—Nobody went to the Tribunal. If they had gone, probably the whole thing would have been set aside by them. That was not done. The people probably did not worry themselves about this order because the elections were on. It was not brought to our notice by the Deputy Commissioner because he thought he was acting within his powers. When the matter came before us though the Divisional Commissioner pointing out that this mistake has been done and requesting to extend the term of the previous Municipal Council by two months and 4 days. Then we said that we cannot extend the term.

After hearing the attack from certain sections of this House about the issue of ordinance for a matter which is over and which is not very urgent, it is not necessary to issue an ordinance to validate all the acts done by the previous Municipal Council for 2 months and 4 days. They did carry on the administration ; they have spent money ; they have paid the salaries and they have paid the contractors. To what extent the money was spent, I do not know. But anyway this much I am certain that the President has spent only the authorised amount authorised by the previous council when it was in office the exact amount

spent is not known to me. Then we thought it is no good issuing an ordinance. What I say is that when we ask to extend the term of the previous Municipal Council of a notified area, then we get the whole thing examined. We had no power; we did not want to issue an ordinance. Then we thought of bringing in a Bill before this House. A Bill was drafted and was placed before the Legislative Council; the Legislative Council accepted it and then it was placed on the floor of this House and this has been pending before this House for more than a year and few months. We had already intimated to the members to take up this Bill to validate the acts if we do not validate the acts, what will happen? There will be audit objections for spending amount by unauthorised people. Therefore we want to validate it so that the expenditure which has been properly made—according to us, which has been made to serve the interests of the Municipality to carry out the obligations of the Municipality as resolved by the Municipal Council when it was in office, we think of validating it.

Sri J. B. MALLARADHYA.—Ordinarily if the term of office of the Municipality is over, the Deputy Commissioner takes charge of it; Why in this case the Deputy Commissioner did not take charge of the Municipality in the absence of election?

Sri T. SUBRAMANYA.—If he had taken care, there would have been no occasion for my friend to call me "tell us", to call me "dishonest". If the Deputy Commissioner had thought that he had to take charge under the powers vested in him, he would have done it. Under an erroneous knowledge of law he thought he had the powers and therefore he said, you continue. That is the position. According to me it is erroneous. The Leader of the opposition will kindly bear with me when I say that that has been the tradition from the very beginning. I do not say all. I know the Hon'ble Member was an exception even in those days. Therefore the necessity for this Bill· otherwise, the audit will not pass this amount. Hence I have come before this House to validate the acts done by the Municipal President at the time when he was not in power according to law, by an erroneous order of the Deputy Commissioner he was continued to be in power.

With regard to the action that we have to take against our officers I can submit for the consideration of this House that we have already moved in that direction, and, it is very difficult to fix up the responsibility when especially we are convinced that there was *bona fide* mistake on the part of the Deputy Commissioner.

3-00 P.M.

Sri J. B. MALLARADHYA.—If it is merely to satisfy the objections that might have been raised or that might be raised in future, it is for Government to pass an order waiving the audit objections. Why go through this elaborate process of introducing a Bill and placing it permanently on the statute book which we should avoid if there is any other way out of it.

Sri T. SUBRAMANYA.—With due diference to your suggestion, we have got the whole matter examined. We have no other alternative. Nothing else will satisfy the requirements of law except placing on the statute book a legislation of this kind. Therefore we have come before the House.

I hope that with these explanations my Hon'ble friends will be satisfied and they will accept the Bill with a cheer on their face.

Mr. SPEAKER.—The question is:

"That the Ponnampet Notified Area Committee (Continuance and Validation) Bill, 1959, be taken into consideration".

The motion was adopted.

Mr. SPEAKER.—As there are no amendments I will put all the clauses to the House.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is:

"That Clause 1, short Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1 and the Preamble were added to the Bill.

" Motion to pass "

Sri. T. SUBRAMANYA.— I move:

That the Ponnampet Notified Area Committe (Continuance and Validation) Bill, 1959, as passed by Legislative Council be passed."

Mr. SPEAKER.—The question is;

"That the Ponnampet Notified Area Committee (Continuance Validation)Bill, 1959, as passed by Legislative Council, be passed."

The motion was adopted.

Mr. SPEAKER.—The House will now rise for recess and meet after half-an-hour.

The House adjourned for recess at Five Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.